rejection on the basis Bethuy fails to disclose a controller coupled to the first and second probes that outputs a pulse signal received at the first and second probes.

As disclosed in column 8, line 58, through column 9, line 44, the Bethuy carbonator probe circuitry 146 includes a high water level sensor probe 38a connected to a reference voltage VREXT via a line 182 and a resistor R9. Similarly, the Bethuy carbonator probe circuitry 146 includes a lower water level sensor probe 38b connected to the reference voltage VREXT via a line 184 and a resistor R10. The reference voltage VREXT is a standard constant level 2.5V input delivered from a power supply commonly used to furnish microcontroller circuitry with power. The signals received by the probes 38a and 38b are therefore not pulse signals but rather constant level 2.5V inputs commonly used with microcontroller circuitry. Applicant accordingly respectfully submits a 2.5V reference voltage is not Applicant's pulse signal output to the first and second probes by the controller because a pulse signal offers a varying voltage and not a constant level voltage.

In column 13, lines 24-55, Bethuy discloses the probes 38a and 38b are turned on for less than 4 milliseconds so that a 64 sample set of whether the probes 38a and 38b are in air or water may be read. The probes 38a and 38b are then again turned on for less than 4 milliseconds so that a second 64 sample set of whether the probes 38a and 38b are in air or water may be read. The two 64 sample sets are processed and used to determine whether to activate the carbonator pump. While the probes 38a and 38b are turned on then off twice, Applicant respectfully submits this does not constitute the delivery of a pulse signal to the probes 38a and 38b because, when the probes are on, the reference voltage VREXT still delivers only the constant level 2.5V input and, when the probes are off, they are inactive and are not receiving any signal, which is opposite from the delivery of varying voltage pulse signal. Applicant accordingly respectfully submits

Bethuy does not anticipate claim 60 because Bethuy simply does not disclose the delivery of a pulse signal to the probes by a controller.

The prior art made of record has been reviewed by Applicant and is deemed not to anticipate nor render obvious the claimed invention.

In view of the foregoing, Applicant respectfully requests reconsideration of the rejected claim and earnestly solicits early allowance of the application.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post office to Addressee" service under 37 CFR 1.10 on the dated indicated below, addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Express Mail No. EL 873064940 US Date: 21 January 2003

Christopher L. Makay

AMENDED SPECIFICATION MARKED TO ILLUSTRATE REVISIONS

Cross-Reference to Related Application[s]

This application is a divisional application of U.S. Patent No. 6,421,583, [co-pending application no. 09/575,301] which issued July 16, 2002. [was filed on May 19, 2000.]